

AMENDED IN ASSEMBLY APRIL 26, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1131

Introduced by Assembly Member Lara

February 18, 2011

An act to amend Section 14666.8 of the Government Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

AB 1131, as amended, Lara. Telecommunications: location of mobile telephony service facilities on state-owned real property: reporting requirements.

Existing law requires the Director of General Services to compile and maintain an inventory of state-owned real property, excluding certain property, that may be available for lease to providers of wireless telecommunications services for location of wireless telecommunications facilities, and to provide a requesting party, upon payment of any applicable fee, with a copy of the inventory. Existing law also authorizes the director to negotiate and enter into an agreement to lease department-managed and state-owned real property to a provider of wireless telecommunications services for location of its facilities.

Existing law creates the Digital Divide Account within the California Teleconnect Fund Administrative Committee Fund in the State Treasury. Existing law requires that 15% of the revenues from fees collected from the lease of state-owned real property to the providers of wireless telecommunication services pursuant to the above-described provisions, except for revenues from fees collected from a lease agreement for

access to Department of Transportation property or a lease agreement existing prior to January 1, 2004, be deposited in the Digital Divide Account, to be available, upon appropriation by the Legislature, to finance digital divide projects through the Digital Divide Grant Program.

This bill would require the director to submit to the Legislature, by ~~March~~ January 31, 3012, a report on actions taken by the director regarding the above provisions. ~~The bill would require the report to include recommendations on how the above provisions can be improved to better effectuate its purposes, including the number of wireless facility lease agreements entered into with providers of wireless telecommunications services and all moneys deposited into the Digital Divide Account.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14666.8 of the Government Code is
- 2 amended to read:
- 3 14666.8. (a) The director shall compile and maintain an
- 4 inventory of state-owned real property that may be available for
- 5 lease to providers of wireless telecommunications services for
- 6 location of wireless telecommunications facilities. This inventory
- 7 shall be the state's sole inventory of state-owned real property
- 8 available for this purpose. The term "state-owned real property,"
- 9 as used in this section, excludes property owned or managed by
- 10 the Department of Transportation and property subject to Section
- 11 7901 of the Public Utilities Code.
- 12 (b) The director shall provide, in a cost-effective manner, upon
- 13 payment of any applicable fee, a requesting party a copy of the
- 14 inventory.
- 15 (c) On behalf of the state, the director may negotiate and enter
- 16 into an agreement to lease department-managed and state-owned
- 17 real property to any provider of wireless telecommunications
- 18 services for location of its facilities. A lease for this purpose shall
- 19 do all of the following:
- 20 (1) Provide for fair market value to be paid by the provider of
- 21 wireless telecommunications service to the state to the extent
- 22 permitted under existing state law.

1 (2) Designate a lease term that is acceptable to the director and
2 the state agency that has control over the property. The duration
3 of the initial lease term for any wireless facility ~~may~~ *shall* not
4 exceed 10 years, and the lease may provide for a negotiated number
5 of renewal terms, not to exceed five years for each term.

6 (3) Provide for the use of the wireless provider's facilities
7 located on the state-owned real property by any appropriate state
8 agency if technically, legally, aesthetically, and economically
9 feasible.

10 (4) Facilitate, to the greatest extent possible, agreements among
11 providers of wireless telecommunications services for colocation
12 of their facilities on state-owned real property. *If an application
13 for a proposed wireless facility lease agreement is rejected by a
14 state agency that has control over the property, the director shall
15 identify an alternative site that will provide reasonable access and
16 accommodation that will meet the needs of the applicant. If a
17 wireless facility lease agreement is rejected, the state agency shall
18 notify the director and provide a reasonable explanation for the
19 denial. The director shall collaborate with the state agency to
20 resolve any issues that resulted in the state agency rejecting the
21 proposed wireless facility lease agreement. The director shall
22 encourage the state agency to identify maximum opportunities for
23 placement of wireless facilities on state-owned property.*

24 (5) *Not require, as a prerequisite of a wireless facility lease
25 agreement, that local permits are in place prior to negotiating a
26 lease agreement with the state.*

27 (d) (1) ~~No later than March January 31, 2012, the director shall~~
28 submit a report to the Legislature on the status of actions taken by
29 the director pursuant to this section. ~~The report shall include, but~~
30 ~~not be limited to, recommendations on how the provisions of this~~
31 ~~section can be improved to better effectuate its purposes. section,~~
32 *including the number of wireless facility lease agreements for, and*
33 *the revenue generated from, state-owned real property that have*
34 *been entered into with providers of wireless telecommunications*
35 *services pursuant to this section and all moneys deposited into the*
36 *Digital Divide Account pursuant to Section 280.5 of the Public*
37 *Utilities Code.*

38 (2) The requirement for submitting a report imposed ~~under~~
39 *pursuant to this subdivision is inoperative on March 31, 2017,*
40 *pursuant to Section 10231.5.*

1 (3) A report submitted pursuant to this subdivision shall be
2 submitted in compliance with Section 9795.

3 (e) ~~Nothing in this section alters~~ *This section does not alter* any
4 existing rights of telegraph or telephone corporations pursuant to
5 Section 7901 of the Public Utilities Code.

6 (f) Notwithstanding any other ~~provision of~~ law, any revenue
7 collected from a lease entered into pursuant to this section to use
8 property that was acquired with money from a fund other than the
9 General Fund shall be deposited into the fund from which the
10 money was obtained. Money received and deposited into a fund
11 pursuant to this section shall be available upon appropriation by
12 the Legislature, notwithstanding any other ~~provision of~~ law.

13 (g) Before making any state-owned real property that is part of
14 the State Water Resources Development System, as described in
15 Section 12931 of the Water Code, available for leasing under this
16 section, the director shall consult with the Department of Water
17 Resources as to whether the proposed location of a wireless
18 telecommunication facility is technically, legally, environmentally,
19 and economically feasible for wireless telecommunication
20 purposes.